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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

- - - - -	-x	
TIA WALKER, as Mother and Natural	:	
Guardian of MAHOGANY GREEN,	:	ECF Case
	:	
Plaintiff,	:	07 Civ. 3548 (LAK)
	:	
- against -	:	<u>NOTICE OF MOTION</u>
	:	
THROGS NECK MULTI CARE, P.C.,	:	
GEORGE BERTERO, M.D., LOUIS ROSE,	:	
M.D., OUR LADY OF MERCY MEDICAL	:	
CENTER, SOUNDVIEW HEALTH CENTER,	:	
DAWN DAWSON, M.D., and BHAGWANT	:	
GILL, M.D.,	:	
	:	
Defendants.	:	
- - - - -	-x	

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Motion to Substitute the United States as Defendant and to Dismiss the Complaint as Against the United States; the Declaration of Heather K. McShain, and accompanying exhibits; the Declaration of Richard Bergeron, and accompanying exhibit, defendants Soundview Health Center ("Soundview") and Dawn Dawson, M.D. ("Dawson"), by their attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, will move this Court for an order:

(i) substituting the United States as defendant with respect to plaintiff's claims against Soundview and Dawson and, upon

substitution, (ii) dismissing the complaint as against the United States for lack of subject matter jurisdiction pursuant to Rule 12(b) (1) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that opposition papers, if any, are to be served within 10 business days after service of the moving papers, and reply papers, if any, are to be served within five business days after service of the answering papers.

Dated: New York, New York  
May 10, 2007

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Health Center and Dawn Dawson, M.D.

By: /s/ Heather K McShain  
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